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To: Microsoft ATR
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Subject: Microsoft Settlement

It isn't necessary to recount the ways in which Microsoft has stifled competition or used its market penetration to gain a foothold in other markets. The DOJ lawyers did that quite well. Nor is it necessary to point out that Microsoft has a history of ignoring its agreements and doing what it pleases. History speaks for itself there as well and it would only insult your intelligence to do so.

Throughout the proceedings both in and out of court we heard Microsoft officials claim that they were being punished for being successful. We also heard them claim that their ability to innovate would be harmed by a judgment against them. But two facts stand out. First, Microsoft wasn't put on trial for being successful but rather for how it achieved that success. It did it illegally. Second, as an early adopter of computer technology, I cannot think of a single substantial Microsoft innovation. What the company has achieved, it has achieved by standing on the shoulders of others. Of course, this has little to do with the case at hand.

The questions are these. Will the proposed settlement cause Microsoft to change its business practices and will the settlement be good for the people of this country. To me, the obvious answer is a resounding no. Microsoft today is acting no differently than it was before the trial. The company doesn't act like a penitent but rather as a victor. The leaders of the company act as if they have done nothing wrong. How then can we expect them to change their behavior? Indeed, Microsoft can only lead one to believe that no behavioral changes will occur. More than one computer insider has stated that even before the ink is dry on a contract Microsoft is already thinking of ways to break it. Such a mindset demands structural changes in the company and the settlement does not provide them.

The settlement is weak. It may as well have been written by Microsoft itself. It needs more teeth. Breaking the company into several pieces wasn't the answer - but neither is this settlement.

thank you

David W Binnion

Education begins at home. You can't blame the school for not putting into your child what you don't put into him.

~~ Geoffrey Holder

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